

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

JEREMIE HOYT)

Case No. 3:21-MJ- 445 (ML)

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)

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)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 12, 2020 in the county of Delaware in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2251(a)

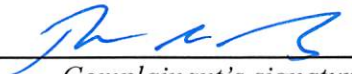
Offense Description

Sexual Exploitation of a Minor

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

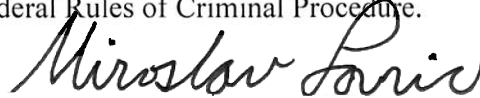

Complainant's signature

Special Agent Timothy W. Irving, HSI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: September 20, 2021


Judge's signature

City and State: Binghamton, New York

Hon. Miroslav Lovric, United States Magistrate Judge

Printed name and title

AFFIDAVIT FOR CRIMINAL COMPLAINT

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) in Albany, New York. I have been employed as a Special Agent with HSI since April of 2007. I was previously employed as a Customs and Border Protection (CBP) Officer in Alexandria Bay, New York and as a CBP Agriculture Specialist in Boston, Massachusetts. In my capacity as an HSI Special Agent, I have investigated criminal violations relating to the sexual exploitation of children, including the production, receipt, and possession of child pornography. I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2256.

2. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses.

3. I make this affidavit in support of a criminal complaint charging Jeremie Hoyt "Hoyt" with violating Title 18, United States Code, Section 2251(a) in that Hoyt did employ, use, persuade, induce, entice, and coerce a 14-year-old male ("Victim 1") to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct.

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and my experience and training as an HSI Agent. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that

Hoyt has violated Title 18, United States Code, Section 2251(a), Sexual Exploitation of a Minor.

PROBABLE CAUSE

5. On November 12, 2020, Dropbox Inc. reported a Cyber Tip to the National Center for Missing and Exploited Children (NCMEC) about a user uploading an image of child sexual abuse material. The image depicts a male child laying on his back naked with an adult male touching the child's penis. Further investigation revealed that the image was uploaded from a residence in Davenport, NY located in Delaware County. On April 28, 2021, New York State Police (NYSP) executed a search warrant at the Davenport residence of Jeremie Hoyt and another adult male who was not home at the time. During the search NYSP located evidence on Hoyt's iPhone 11 Pro Max cellular telephone (hereinafter cellular telephone) that someone had taken sexually explicit photographs and videos of Victim 1 a 14-year old male.

6. Hoyt was interviewed post Miranda warning at the NYSP Barracks in Oneonta, NY. Hoyt was shown a picture of Victim 1 that was zoomed in and focused on Victim 1's penis. Hoyt admitted that he took zoomed in pictures of Victim 1's penis without his knowledge with his cellular telephone. Hoyt further admitted that he sent the image out over the internet to others. Hoyt was asked if he was using the photos to masturbate, and Hoyt shook his head yes.

7. Hoyt was shown a video of Victim 1 laying on a bed and masturbating and wearing a black cock ring. Hoyt stated that it was his bedroom, and that he was sitting on the other side of the bed and took the video without Victim 1 knowing while victim 1 was watching pornography. Hoyt also stated that he showed Victim 1 how to put on the cock ring prior to taking the video and encouraged him to masturbate. Hoyt further admitted to subjecting Victim 1 to hand to penis contact (masturbation).

8. A forensic analysis of Hoyt's iPhone 11 Pro Max revealed a video file with the

name IMG_0209.MOV. This video file is a 33 second color video of Victim 1 masturbating with a black ring around his genitals, the camera moves and a pornography video appears to be playing on a laptop computer in the video. The video has a creation date of November 11, 2020. The creation device was an iPhone 11 Pro Max. The location data in the file geo-locates to Hoyt's address in Oneonta, NY.

9. Your affiant has reviewed a text message string between Hoyt and SJ recovered from Hoyt's cellular telephone. On March 15, 2021, Hoyt initiated a text message string with SJ with "Hey it's Jeremie". SJ responded "I know". Then at 01:11:59 (UTC-4), Hoyt sent SJ, an image with the file name IMG_3790.HEIC, that depicts Victim 1 with the focus of the image being on Victim 1's penis. SJ replied "Fuck". At 01:28:38 (UTC-4), Hoyt sent SJ the above described video depicting Victim 1 masturbating with a black cock ring with the file name IMG_0209.MOV. SJ replied "Love it", Hoyt then writes "Make that dick harder?", SJ replied "Yes". Hoyt then writes "Hot.", SJ replied "I would like to jerk off with you both", "Uncle Spencer". Hoyt responded "Hot", SJ then replied, "Watch porn with him and watch it swell", Hoyt responded "Hell yeah".

10. Your affiant reviewed a WhatsApp chat between Hoyt "JJ" and SDPerve619 that was recovered from Hoyt's cellular telephone that began on January 18, 2021 and continued through January 20, 2021. In that chat Hoyt admits to engaging in mouth to penis contact with Victim 1 and watching Victim 1 masturbate 3 times. On January 20, 2021, Hoyt sends to another WhatsApp user SDPerve619 a video file at 05:03:42 AM (UTC-5) of a five- to eight-year-old male performing oral sex on an adult male with the thumbnail reference file name 6dc5175-c2d5-4e10-ac2a-8db20fb8060b.thumb. Hoyt also sends the SDPerve619 user a video of Victim 1 masturbating with the thumbnail reference file name 759ab0ae-50fd-477b-b86c-

6a703d3682d5.thumb and an image file of Victim 1 in the bathroom showing just the lower part of his body including his penis, with the file name c4ecf1e9-a8f1-4de8-b29c-3cf2ff9025c1.jpg.

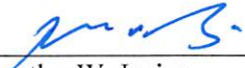
11. On May 19, 2021, Victim 1 was interviewed at the Otsego County Child Advocacy Center by an HSI Forensic Interview Specialist (FIS). Victim 1 was shown six images from files taken from a forensic examination of Hoyt's iPad Pro 4th Generation. One of the images with the file name 5005_6.JPG is of Victim 1 masturbating with a black ring around his genitals. Victim 1 stated the boy in the image was him and that Hoyt asked him to come to Hoyt's room, Hoyt put the black circle thing on him, and he only recalled using the object once. Victim 1 stated that the image was taken in his [Hoyt's] bedroom and he did not know it was being taken. The other images were of Victim 1 in the bathroom naked and he confirmed that he was the person in the images and he did not know that the pictures were being taken. Victim 1 also stated that Hoyt subjected him to mouth to penis contact and hand to penis contact.

CONCLUSION

12. Based upon the above, your affiant respectfully submits that there is probable cause to believe that Jeremie Hoyt employed, used, persuaded, induced, enticed, and coerced a minor, a 14 year old male child, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting such commerce, and where such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce

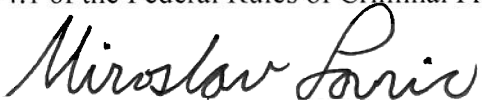
or mailed, in violation of 18 U.S.C. § 2251(a).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE
REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.



Timothy W. Irving
Special Agent
Homeland Security Investigations

I, the Honorable Hon. Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on September 20, 2021, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Miroslav Lovric
United States Magistrate Judge